

10-02-01

10/10/01 CPA \$
GAU1641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REGISTRATION OF:

Nora B. Aghassi
Kim Franceschini
Paul J. Ardi

PATENT NO. 09/515,283

ISSUED: February 29, 2002

TITLE: COMPOSITION AND METHOD FOR
TREATING TISSUE SAMPLES

ATTY DKT NO. P-6335.01(CPA)

Group Art Unit: 1641

Examiner Name: James L. Grun, Ph.D.

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OCT 09 2001

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CONTINUED PROSECUTION APPLICATION (CPA)

1. This is a request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of the above identified prior non-provisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

2. This continued prosecution application is being filed before the term for response in the prior application expires on September 28, 2001. A one-month extension of time to and including October 1, 2001, is enclosed and the appropriate fee paid.

3. It is noted that:

(a) This application discloses and claims only subject matter disclosed in the prior application.

37 C.F.R. § 1.53(d)(2)(iii).

(b) Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the application under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or

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information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).

- (c) Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).


4. This CPA names as inventors the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.

5. As soon as receipt of this CPA is acknowledged, the Examiner will be contacted for a possible telephonic amendment to the prior application, as it existed prior to the filing of the CPA. Therefore, the applicants respectfully request that a new final rejection not be issued by the Examiner until the applicants' counsel has an opportunity to speak with the Examiner.

6. Enclosed is a check in the amount of \$425.00 to cover the CPA filing fees (\$370.00) and the one-month extension of time fees (\$55.00). The Commissioner is hereby authorized to deduct any fee deficiencies from deposit account no. 07-2400. A duplicate copy of this page is enclosed.

Respectfully Submitted:

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Daniel D. Chapman, Reg. No. 32,726

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

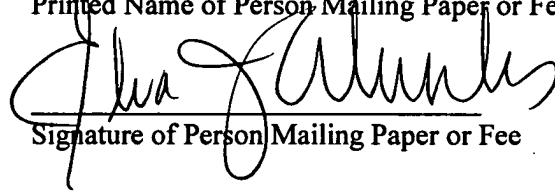
<p align="center"><u>37 CFR 1.8(a)</u></p> <p>[] With sufficient postage as First Class Mail.</p> <p>Date: _____, 20__</p>	<p align="center"><u>37 CFR 1.10</u></p> <p><input checked="" type="checkbox"/> As "Express Mail Post Office to Addressee", Mailing Label No. <u>EL406099429 US</u></p> <p>Date: <u>October 1, 2001</u></p>
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